

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:14-CR-216-1-BO

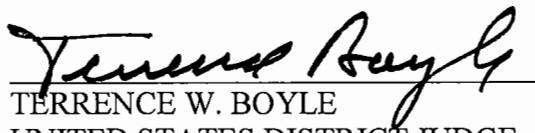
FRANKLIN CANADY, JR., )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )

**ORDER**

This cause comes before the Court on petitioner's motion pursuant to Rule 60(b) of the Federal Rules of Civil Procedure to void judgment and reinstate probation or in the alternative terminate sentence imposed for probation violation for lack of subject matter jurisdiction. [DE 19]. By order entered July 8, 2015, the Court advised petitioner that it would construe his Rule 60(b) motion as one pursuant to 28 U.S.C. § 2255. Petitioner has not withdrawn or amended his Rule 60(b) motion.

Accordingly, the Court CONSTRUES petitioner's motion as one pursuant to 28 U.S.C. § 2255. The government is DIRECTED to answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or otherwise respond to petitioner's motion within forty (40) days of the date of entry of this order.

SO ORDERED, this 11 day of March, 2016.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE